

Application No.: 10/091,711

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Docket No.: 04970/000K363-US0

REMARKS

This patent application presently includes Claims 1-16, all of which stand rejected. The claims are amended to define the applicant's invention more clearly, and all rejections are respectfully traversed.

Claims 1-16 were rejected under 35 U.S.C. §112 as indefinite. The examiner refers specifically only to Claims 1, 9, 2 and 10. Regarding Claims 1 and 9, the examiner was of the opinion that "rotational speed of the motor lacks sufficient structure, because the claim lacks a speed sensor." As explained previously, the applicants disagree strenuously with this. However, in order to avoid this as an issue, Claims 1 and 9 have been amended to recite that the judgment unit is for sensing rotational speed of the motor, in addition to judging. Accordingly, Claims 1 and 9 now have a specific recitation of structure for sensing speed. This rejection should now be withdrawn.

Regarding Claims 2 and 10, the examiner was of the opinion that "plates which are laminated..." did not have any relevance to the subsequent "so that" clause. Again, the applicants have disagreed strenuously with this position, pointing out that the "so that" clause merely defines how the plates are laminated. Frankly, it is not understood how one who understands the English language could possibly have a different interpretation for that clause. Nevertheless, in order to avoid this as an issue, Claims 2 and 10 have been amended to cite "in a manner that" instead of "so that." It is believed to be eminently clear that "in a manner that" could only define the term "laminated." Accordingly, the rejection of Claims 2 and 10 under 35 U.S.C. §112 should now be withdrawn.

Claims 1 and 9 were rejected as obvious over Henry et al., U.S. Patent No. 6,373,211 in view of Coles et al., U.S. Patent No. 6,124,688. The examiner asserted that Henry discloses everything except magnets embedded in recesses in the rotor core, and for this she cited Coles.

However, the examiner's reliance on Coles is grossly misplaced. Referring to Column 6, Lines 40-41 of Coles, it will be appreciated that "the rotor carries a back iron sleeve 26 having magnets 27 secured around its periphery ... (emphasis added). Referring to Fig. 12 of Coles, the

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indicated that Claims 3-8 and 11-16 would be allowable if rewritten to overcome the rejections under 35 U.S.C §112 and so as to include the subject matter of the claims from which they depend. Accordingly, Claims 3-6 and 11-16 are also believed to be allowable on their own merits for reasons already noted by the examiner.

The undersigned has filed this amendment by fax, because he intends to hold a telephone interview with the examiner after she has had an opportunity to review this amendment.

Applicant's attorney has made every effort to place this patent application in condition for allowance. It is therefore earnestly requested that this application, as a whole, receive favorable reconsideration and that all of the claims be allowed as presently constituted. Should there remain any unanswered questions, the examiner is requested to call the applicant's undersigned attorney at the telephone number given below.

Dated:

Respectfully submitted,

By 

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